

REMARKS**A. Status of the Claims and Explanation of the Amendments**

This case is a US national phase application of PCT/US2005/006930. There are 240 claims originally filed in this case. These original claims are identical to those originally filed in US Patent Application No. 10/793,138, a US non-provisional application corresponding to PCT/US2005/006930.

In this paper, Applicants have requested the cancellation of claims 1-77, 81-83, 86-87, 89, and 98-240, and only present method claims 78-80, 84, 85, 88, and 90-97 for examination. These remaining method claims correspond to the claims of Group 5 in the election/restriction requirement issued on September 21, 2006 for US Patent Application No. 10/793,138.

The claim cancellations presented in this paper are made without prejudice or disclaimer, and Applicants hereby reserve the right to pursue the subject matter of the cancelled claims in a later-filed continuation or divisional application.

Applicants have amended claim 78 so that it recites, inter alia, “A method of administering a biologically active protein which is not insulin to a subject...” (emphasis added). Support for this amendment is found in Applicants’ specification, which provides examples of such biologically active proteins [see ¶¶ [0086]-[0088] of PCT/US2005/006930].

In addition, Applicants have amended the corresponding dependent claims to be consistent with current U.S.P.T.O. practice. The preamble of each dependent claim now recites “The method according to claim...,” rather than “A method according to claim...”. No new matter has been added by these amendments.

B. Applicants' Oath and Declaration

The Notice of Missing Requirements requires the filing of an oath or declaration of the inventors. In response, Applicants submit with this response a signed declaration and power of attorney, pursuant to 37 C.F.R. § 1.497(a) and (b).

C. Statement of Small Entity Status

Applicant is a small entity and therefore claims small entity status pursuant to 37 C.F.R. § 1.27 and MPEP § 509.03(c)(1) and (c)(3).

C. Additional Claim Fees

The Notice of Missing Requirements requires the payment of \$13830 in total additional fees, which consists of \$13400 (excess claim fee), \$100 (application search fee), \$200 (application examination fee), and a \$130 surcharge for the late submission of these fees.

However, because Applicants have claimed small entity status and have cancelled several claims, Applicants respectfully assert that only \$415 is owed in total additional fees. This amount is determined as follows:

\$0	(no excess claim fee, because there are only 14 claims [one independent claim, 13 dependent claims, and no multiple-dependent claims])
\$255	(small entity utility search fee)
\$105	(small entity application examination fee)
+	<u>\$ 65 (small entity surcharge for late submission of fees)</u>
\$425	

Applicants authorize the Commissioner to charge Deposit Account 50-3732, Order No. 13720-105074 US1 for the total additional fees, and for any fee that may be necessary for the entry of this paper. Additionally, in the event that there is any credit or overpayment, Applicants authorize the Commissioner to provide a refund to Deposit Account 50-3732, Order No. 13720-105074US1.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-3732, Order No. 13720-105074US1.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-3732, Order No. 13720-105074US1.

Respectfully submitted,
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